

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

556D0707

HOUSE BILL NO. 1272

Introduced by: Representatives Wilson, Fiegen, Haley, and Hennies and Senator Moore

1 FOR AN ACT ENTITLED, An Act to provide for periodic judicial review of status of children
2 in custody of the Department of Corrections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Within thirty days after a child is committed to the Department of Corrections under this
7 chapter, or chapter 26-8B or 26-8C, and every ninety days thereafter, the Department of
8 Corrections shall file a written report with the court which committed such child. This written
9 report shall contain the following information:

10 (1) The results of any assessments of the child concerning the child's emotional, mental,
11 educational, psychological, psychiatric, medical, physical, or health status and needs;
12 and

13 (2) Information regarding the placement of the child within particular programs
14 administered by the Department of Corrections; and

15 (3) Progress of the child in programs administered by the Department of Corrections.

16 Section 2. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
17 follows:

1 Upon review of the information provided in section 1 of this Act, the court may, upon its
2 own motion, enter an order compelling the secretary of corrections to appear and show cause
3 why the court should not order the discharge of the child from the department, order the child
4 to be restored to the child's parents, guardian, or custodian, order the child to be placed under
5 the guardianship of another person appointed by the court and placed in a suitable family home,
6 or order an amended decree of disposition pursuant to § 26-8B-6 or 26-8C-7. At the hearing,
7 the court shall determine if the best interests of the child will be promoted by the child's discharge
8 from the department.